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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,616	01/08/2002	Stephen Michael Komistek		5244

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04/28/2003

Steve Komistek  
Box 23071  
Medicine Hat, AB T1B 4C7  
CANADA

EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

041676

Applicant(s)

Kumistek

Examiner

Upm

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-11 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☒ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. The disclosure is objected to because of the following informalities:  
Figure reference item 8 is not described in the specification. Also, comments as to the proprietary rights of patents should be omitted.

Appropriate correction is required.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The structure recited in the claims is unclear. For example, in claim 1, the location of the slots in the sleeve is unclear, as the lower sleeve head is recited as closing the "bottom of the sleeve" and the slots are also recited as being on the "bottom of the sleeve," which implies that they are on the sleeve head. The elongated sleeve connected to the short sleeve in claim 1 may be confused with the coaxial elongate sleeve. (In claim 11 it is referred to as a "conduit." While this clarifies this structure, the language should be consistent throughout the specification and claims). Also, in both claims 1 and 11, the gas separator is recited as removing gas from the "elongated sleeve." The "oil outlet" is recited as removing water.

In dependent claims 3, 4, 9 and 10, "can be" renders the claims indefinite. Also in claims 3 and 4, "at any orientation" is unclear. Claim 6 is unclear as to where the lower apertures are. Language such as "orientates" in claim 7 and "uses" in claim 8 should be changed to positive structural language, such as "wherein" or "in which."

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3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the riser and downcomer conduits of claims 3 and 4 must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

4. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

The recitation of a free water knockout vessel at an oblique angle, with a coaxial elongated sleeve closed at the upper and lower ends, with slots on the bottom at the lower end and on the top intermediate the upper and lower ends, with an open-ended short sleeve extending through the upper end of the elongated sleeve and connected to a conduit extending through the top of the vessel to a gas separator, and having an inlet adjacent the upper end of the elongate sleeve, an oil outlet adjacent the upper end, and a water outlet adjacent the lower end patentably distinguishes over the prior art of record.

5. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

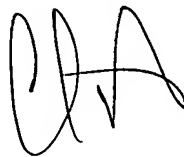
Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art separators of interest include Binsfield, Waterman, Adams, Schoenfeld, Edmonson, Homan, Ferris, Bull, and Komistek.

7. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, appearing to be 'CU' with a stylized flourish.

**CHRISTOPHER UPTON  
PRIMARY EXAMINER**